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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,740	11/15/1999	WALTER D. FUNK	UVI-005CP2CN	2036
757	7590 12/03/2002		EVAM	NED.
LAHIVE & COCKFIELD 28 STATE STREET			EXAMINER BUGAISKY, GABRIELE E	
BOSTON, MA	A 02109		ART UNIT	PAPER NUMBER
			1653	
			DATE MAILED: 12/03/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Cabriele E. BUGAISKY 1653 165							
Examiner Gabriele E. BUGAISKY 1553		Application No.	Applicant(s)				
Gabriele E. BUGAISKY 1653 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Consume of inter ray to evaluable sadder the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed active the provision of 37 CFR 1.136(a). In no event, however, may a reply be timely filed active the provision of 37 CFR 1.136(a). In no event, however, may a reply be timely filed active the provision of 37 CFR 1.136(a). In no event, however, may a reply be timely filed active the provision of 37 CFR 1.136(a). In no event, however, may a reply be timely filed active the provision of 37 CFR 1.136(a). In no event is minimal to be active and the provision of 37 CFR 1.136(a). In no event is minimal to be active and provision of 37 CFR 1.136(a). Any reply received by the bit of the time from the maining date of the communication, even if timely filed, may reduce any seared patient and adjustments of 37 CFR 1.136(a). Any reply received by the Office later than three maining date of this communication, even if timely filed, may reduce any seared patient and adjustments of 37 CFR 1.136(a). Any reply received by the Office later than three maining date of this communication, even if timely filed, may reduce any seared patient and adjustment and adjus		09/439,740	FUNK ET AL.				
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2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 32-60 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) 32-37 and 41-54 is/are allowed. 6) ☐ Claim(s) 33-40, 55-60 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received. 14) ☐ Acknowledgment is made o	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
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DETAILED ACTION

The amendment of September 2002 is acknowledged. Claims 27-29 have been cancelled.

Claims 30-60 remain pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on

sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 38-40 and 55-56 remain rejected under 35 U.S.C. 102(b) as being anticipated by

Woodworth et al. (1990). The reference provides for expression of the amino terminal half of

human serum transferrin by transformed eukaryotic cells, in the expression vector pNUT. A site

directed mutant at D_{63} is also disclosed and thus anticipates claims 38-40 and 55-56. Applicants

state that they imminently intend to submit evidence attesting the publication date of the

Supplement; it is alleged that publication was not until June 1990. No evidence supporting this

position has been provided.

Claim Rejections - 35 USC § 103

The rejection of claims 55-60 under 35 U.S.C. 103(a) as being unpatentable over

Bowman et al. in view of Woodworth et al (1989) is withdrawn, in light of the amendment..

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Conclusion

Claims 32-37 and 41-54 remain allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (703)308-4201. The examiner can normally be reached on 8:15 AM- 2 PM, Tu & Th, 8:15 AM-1:30 PM, We & Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4242 for regular communications and 703 308-4242 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 708 308-0196.

> Gabriele E. BUGAISKY **Primary Examiner** Art Unit 1653

Jim Lety December 2, 2002

GABRIELLE BUGAISKY PRIMARY EXAMINER